

**Testimony on House Bill 2566
to
the House Agriculture and Natural Resources Committee**

**by Erik Wisner
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Good afternoon, Chairman Powell and members of the committee. I am Erik Wisner, policy and program analyst with the Kansas Department of Agriculture. I am here in support of House Bill 2566, which makes several technical changes to the Food, Drug and Cosmetic Act.

In 2008, the Legislature transferred all responsibility for the inspection and licensing of food service establishments and lodging facilities from the Department of Health and Environment to the Department of Agriculture. After a thorough review of all food safety statutes, several amendments were needed to ensure that current law accurately reflected the operations of the program.

The proposed amendments in HB 2566 would change all references to the Kansas Department of Health and Environment in the Kansas Food, Drug and Cosmetic Act to the Kansas Department of Agriculture as it relates to regulating over the counter drugs and cosmetics. Before the transfer, KDHE food safety staff inspected over the counter drugs and cosmetics as part of routine inspections of regulated establishments. Since the transfer, we have entered into a memorandum of understanding with KDHE to have KDA inspect these products. The MOU was designed as a short-term fix. Currently, KDA has no statutory authority to enforce the provisions of the act or to amend regulations without the proposed change. The amendments would simply codify in law current practices and provide clarity to the regulated community.

I will stand for questions at the appropriate time.